

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL EDWARD KEITH,

Petitioner,

Case No. 1:12-cv-71

v.

Honorable Paul L. Maloney

SHIRLEE HARRY,

Respondent.

**ORDER TO REOPEN CASE AND DIRECTING
PETITIONER TO FILE AN AMENDED PETITION**

This is a habeas corpus action filed by a state prisoner, through counsel, pursuant to 28 U.S.C. § 2254. In an order issued February 9, 2012 (docket #6), the Court conducted an initial review of the petition and concluded that the petition included both exhausted and unexhausted issues. The Court granted Petitioner's motion to stay the petition to permit him exhaust his state court to exhaust his previously unexhausted claims. The Court then dismissed the unexhausted claims and stayed the case pending exhaustion. Petitioner was granted 30 days in which to file a motion for relief from judgment in the Ingham County Circuit Court and 30 days after final decision by the Michigan Supreme Court to return to this Court by filing a motion amend his petition to include all of his claims.

Petitioner now has filed a motion to re-open his habeas corpus proceeding (docket #7). Upon review, Petitioner's motion to reopen his case will be granted, as it appears that Petitioner has complied with the time requirements set forth in this Court's February 9, 2012 order. Petitioner, however, must file an amended petition stating all of the claims he now intends to raise. All

applications for habeas corpus relief must be submitted on the form petition provided by this Court. *See* Rule 2(d), RULES GOVERNING § 2254 CASES; W.D. Mich. LCivR 5.6(a). If Petitioner wishes to proceed with his action, he must carefully fill out the form and submit it to the Court. Petitioner shall submit an amended petition by filing his habeas petition on the requisite form **within 28 days from the date of entry of this order**. The case number shown above must appear on the front page of the amended petition. Petitioner must file an original and one complete copy of the amended petition and any *new* attachments. Petitioner need not re-submit supporting materials filed with the original petition. **Because the amended petition will take the place of the original petition, the amended petition must set forth all of the grounds for relief that Petitioner intends to raise.** If Petitioner fails to submit an amended petition in proper form within the time allowed, the petition may be dismissed without prejudice by the Court. Accordingly,

IT IS ORDERED that Petitioner's motion to reopen the case (docket #7) is **GRANTED**, and the case is hereby reopened.

IT IS FURTHER ORDERED that, within 28 days of this order, Petitioner shall file a second-amended complaint on the form.

Dated: February 12, 2014

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge